

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Offic**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/492,218 01/27/00 SITRICK

D STD 1757

MM91/0320

EXAMINER

Sitrick & Sitrick  
8340 N Lincoln avenue  
suite201  
Skokie IL 60077

FLETCHER, M	
ART UNIT	PAPER NUMBER

2837  
**DATE MAILED:**

03/20/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/492,218</b>	Applicant(s) <b>Sitrick</b>
	Examiner <b>Marlon Fletcher</b>	Group Art Unit <b>2837</b>

Responsive to communication(s) filed on Dec 19, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-93 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-93 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2837

## **DETAILED ACTION**

### ***Election/Restriction***

1. The amendment to the claims withdraws the claims from restriction and all claims are examined.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-58, 60-88, and 90-93, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Music Object Oriented Distributed System (MOODS), which will be referred as throughout.

As recited in claims 1, 41, 64, 66-68, 70, 76, 77, 79-81, 86, 87, and 91, MOODS discloses a display system and method for use by a plurality of users in providing a plurality of display presentations of a selected composition, said system comprising: a plurality of individual workstations, each workstation as discussed in page 6 of 16, lines 7-16 and page 7 of 16, lines 16-22, comprising: a communication interface providing for communications with the respective workstation of music data representative of the selected composition as discussed on page 7 of 16, lines 32-35; memory for locally storing the music data responsive to the communications

Art Unit: 2837

interface as discussed on page 7 of 16, lines 36-41; and a display apparatus for providing a local visual display presentation representative of the selected composition responsive to the stored data as discussed on page 6 of 16, lines 30-31; wherein the system is further comprised of means for synchronizing the presentation on the plurality of local visual display presentations of the selected composition as discussed on page 7 of 16, lines 34-35.

As recited in claim 2, MOODS discloses the system, further comprising: an input device responsive to a performance by the user of the displayed composition for providing an output of user performance data as discussed on page 7 of 16, lines 1-2 and page 8 of 16, lines 1-2.

As recited in claims 3, 78, and 82-84, MOODS discloses the system, wherein the system provides for a display presentation of the differences between the displayed composition data and the user performance data for at least one of the individual workstations as discussed on page 8 of 16, lines 13-18 and on page 10 of 16, wherein MASE/MASAE editors provide the original score and the modified score which is sent to the musicians.

As recited in claims 4 and 54, MOODS discloses the system, wherein the means for synchronizing is responsive to at least one of timing data, and an external timing signal as discussed on page 7 of 16, lines 27-35.

As recited in claims 5, 45-47, 50, 58, 75, 85, and 92, MOODS discloses the system, further comprising: combining means for synchronizing and combining the user performance data from a plurality of the individual workstations to generate composite virtual performance data, responsive to the user performance data output from each of the plurality of individual

Art Unit: 2837

workstations as discussed on page 7 of 16, lines 27-31, and as discussed on page 8 of 16, lines 13-18.

As recited in claim 6, MOODS discloses the system, further comprising: an editing subsystem for changing features of at least one of pitch, key, tempo, instrument type, notation, and composition of the music data to create modified music data as discussed on page 6 of 16, lines 15-19 and lines 25-28; wherein the modified music data is communicated to at least one of the individual workstations which provides a local video presentation responsive to the modified music data as discussed on page 6 of 16, lines 15-19.

As recited in claim 7, MOODS discloses the system, wherein the modified data is distributed to a plurality of the individual workstations, which in a synchronized manner each provide a local video presentation responsive to the modified data as discussed on page 7 of 16, lines 26-35.

As recited in claim 8, MOODS discloses the system, wherein the editing subsystem is a part of at least one of the individual workstations as discussed on page 8 of 16, lines 13-18.

As recited in claim 9, MOODS discloses the system, wherein the changing is restricted to permit changing of only some of the features as discussed on page 8 of 16, lines 19-22.

As recited in claim 10, MOODS discloses the system, wherein the changing of features is restricted at a defined level of permission as discussed on page 7 of 16, lines 15-20.

Art Unit: 2837

As recited in claims 11 and 62, MOODS discloses the system, wherein there are a plurality of the editing subsystems; and wherein for each of the editing subsystems the changing of features is

programmably restricted at a defined level of permission as discussed on page 7 of 16, lines 15-25 and as discussed on page 8 of 16, lines 13-22.

As recited in claim 12, MOODS discloses the system, wherein the plurality of individual workstations are each associated into defined subsets of individual workstations; wherein each of the editing subsystems is associated with at least one of the defined subsets and communicates the respective modified data to the respective associated defined subset of individual workstations each of which provides a respective local display presentation responsive to the respective modified data as discussed on page 8 of 16, lines 13-22.

As recited in claims 13 and 23, MOODS discloses the system, wherein at least one of the editing subsystems is a master that communicates its respective modified data to all of the plurality of individual workstations as discussed on page 7 of 16, lines 23-35 and on page 8 of 16, lines 29-34.

As recited in claims 14 and 24, MOODS discloses the system, wherein the modified data from the master is given priority for display on the individual workstations over all the modified music data from all other ones of the editing subsystems as discussed on page 7 of 16, lines 23-41 and page 8 of 16, lines 13-17.

Art Unit: 2837

As recited in claim 15, MOODS discloses the system, wherein the communication between the individual workstations is bidirectional as discussed on page 8 of 16, lines 13-18 and lines 23-28.

As recited in claim 16, MOODS discloses the system, wherein the changing is responsive to a user input as discussed on page 8 of 16, lines 1-3.

As recited in claims 17 and 65, MOODS discloses the system as in claim 16, wherein the user input is at least one of an audio stimulus, digital data, a switch, a touch input device, motion sensor, motion capture data, and speech recognition as discussed on page 8 of 16, lines 1-3.

As recited in claims 18 and 69, MOODS discloses the system as in claim, wherein there are a plurality of the editing subsystems; wherein the plurality of individual workstations are each associated into defined subsets of individual workstations as discussed on page 8 of 16, lines 23-28; and wherein each of the editing subsystems is associated with selected ones of the defined subsets, wherein each of the editing subsystems communicates its respective modified data to the respective associated selected ones of the defined subsets of individual workstations each of which provides a respective local display presentation responsive to the respective modified data as discussed on page 7 of 16, lines 16-22 and as discussed on page 8 of 16, lines 14-17.

As recited in claim 19, MOODS discloses the system, wherein at least one of the editing subsystems is a master that communicates its respective modified data to all of the plurality of individual workstations as discussed on page 8 of 16, lines 23-28.

Art Unit: 2837

As recited in claim 20, MOODS discloses the system, wherein the modified data from the master is given priority for display by all of the individual workstation relative to any and all other modified data from all other ones of the editing subsystems as discussed on page 8 of 16, lines 29-31.

As recited in claim 21, MOODS discloses the system, wherein at least one of the editing subsystems is a subgroup master that communicates the respective modified data to the respective associated selected ones of the defined subsets of the individual workstations as is inherent from that discussed above.

As recited in claim 22, MOODS discloses the system, wherein there are a plurality of subgroup masters as is inherent from that discussed above.

As recited in claims 25 and 33, MOODS discloses the system, wherein the master is for use by at least one of a conductor, band leader, teacher, librarian, and composer; and wherein each of the plurality of subgroup masters is for use by at least one of a section leader, a band leader, a teacher, and a librarian as discussed on page 7 of 16, lines 23-25.

As recited in claims 26-28, and 30, MOODS discloses the system, wherein the data is further comprised of type data; wherein at least one of the individual workstations is programmed to selectively receive the communicated data responsive to the type data as discussed on page 8 of 16, lines 23-28.

As recited in claims 29, 63, and 74, MOODS discloses the system as in claim 1, wherein the data is further comprised of type data; wherein the data is broadcast to a plurality of the

Art Unit: 2837

individual workstations, each of which provides a local video display presentation responsive to processing of the data to locally convert the data to customize the video display presentation in accordance with the respective type data as discussed on page 8 of 16, lines 13-28.

As recited in claim 31, MOODS discloses the system as in claim 27, wherein each of the individual workstations has an associated type; wherein each of the individual workstations is further comprised of a receiver that provides communication that is addressably selective to each of the individual workstations responsive to the type data and the associated type as is inherent from the discussion of claim 26 above.

As recited in claims 32 and 34, MOODS discloses the system, wherein the communication is selectively addressable to subgroups within the plurality of individual workstations providing frequency band-based communications which is mapped between each of the respective bands and each of the subgroups as discussed on page 8 of 16, lines 13-28

As recited in claim 35, MOODS discloses the system, wherein at least one of the individual workstations is operable in a user selected automated mode comprising at least one of auto-advance mode, training mode, performance mode, auto-repeat mode, conductor mode, marching band mode, auto-compose mode, self-learn mode, and user activated display page turning mode as discussed on page 7 of 16, lines 23-31.

As recited in claim 36, MOODS discloses the system, wherein one of the individual workstations is a master workstation in communication with the remaining ones of the individual workstations as discussed on page 7 of 16, lines 23-35.

Art Unit: 2837

As recited in claims 37, 39, and 55, MOODS discloses the system, further comprising: means for retrieving stored music data responsive to user selection of the selected composition from a listing of available music compositions; means for processing the stored music data to format the music data for presentation as discussed on page 7 of 16, lines 36-41; and means for displaying a video presentation of the music responsive to the processing as discussed on page 8 of 16, lines 13-28.

As recited in claim 38, MOODS discloses the system, wherein the means for displaying is further comprised of: means for displaying, on a plurality of separate display apparatus, the video presentation of the music, responsive to the processing as discussed on page 6 of 16, lines 30-31.

As recited in claim 40, MOODS discloses the system, further comprising: means for changing the music data as to at least one of key, notation, display format, instrument type, and mode, to provide modified music data; wherein the means for processing provides processing of the modified music data as discussed on page 6 of 16, lines 32 through page 7 of 16, lines 2, and as discussed on page 8 of 16, lines 1-3.

As recited in claims 42, 53, and 60, MOODS discloses the system, wherein each of the individual workstations is further comprised of a display apparatus for providing a local visual display presentation of a selected composition as discussed on page 6 of 16, lines 30-31; wherein the plurality of individual workstations provide for synchronized display presentation of the composition as discussed on page 7 of 16, lines 34-35.

Art Unit: 2837

As recited in claim 43, MOODS discloses the system, wherein a plurality of the individual workstations each provide for output of individual performance data representative of the performance by the user corresponding to the display presentation as discussed on page 8 of 16, lines 13-28.

As recited in claim 44, MOODS discloses the system, further comprising: synchronization means for generating a synchronization signal for start of performance; wherein the selected composition is performed over a time period and is communicated in discrete time segments, wherein each of the time segments is synchronized responsive to the synchronization signal and the individual performance data output as discussed on page 7 of 16, lines 27-35.

As recited in claim 48, MOODS discloses the system, wherein each of the individual workstations is further comprised of a network interface subsystem as discussed on page 7 of 16, lines 34-35.

As recited in claim 49, MOODS discloses the system, further comprising: operational selection means for determining a selected operating mode for controlling progression of the video presentation as discussed on page 8 of 16, lines 1-3.

As recited in claims 51, 90, and 93, MOODS discloses the system, wherein the user performance data is comprised of at least one of audible performance data, visual performance data, electrical signals, digital data and control data as discussed on page 6 of 16, lines 30-31.

Art Unit: 2837

As recited in claims 56 and 88, MOODS discloses the method, further comprising: associating an instrument type to the display system; broadcasting musical display data for multiple separate graphical display presentations corresponding to multiple separate respective multiple instrument types; discriminating between the multiple separate graphical presentations to select a specific one representative of the corresponding respective one of the instrument types, responsive to the associating and the discriminating as discussed on page 8 of 16, lines 13-28.

As recited in claim 57, MOODS discloses the method, further comprising: providing a video display for the associated respective instrument type responsive to the discriminating as discussed on page 8 of 16, lines 26-28.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 59 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over MOODS.

MOODS is discussed above. MOODS does not disclose a source of secondary video data representative.

Art Unit: 2837

However, Official Notice is taken with respect to secondary or picture-in-picture being well known in the display and television art, wherein a picture-in-picture can be used to supply a secondary video image.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings that are well known in the art with MOODS, because this allows the user to view two images simultaneously.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Fletcher whose telephone number is (703) 308-0848.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MTE  
  
March 15, 2001

  
MARLON T. FLETCHER  
PATENT EXAMINER